

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Belmont, Brian, et al.

Examiner: Karikari, Kwasi

Serial No.: 10/676,700

Group Art Unit: 2617

Filed: September 30, 2003

Docket No.: 42P16793

Confirmation No: 8134

Title: Method, Apparatus and System for Managing Cell Phone Calls

PRE-BRIEF CONFERENCE REQUEST

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants respectfully request review of the final rejection in the above-identified application which was mailed July 20, 2009. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reasons stated on the following five (5) sheets.

CERTIFICATE OF EFS Web

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

Date of Deposit: October 19, 2009

Name of Person Mailing Correspondence: Krista Mathieson

/Krista Mathieson/ October 19, 2009

Signature Date

REMARKS

Applicants respectfully request reconsideration of this application in view of the following remarks. This response is believed to fully address all issues raised in the Final Office Action mailed July 20, 2009. Furthermore, no new matter is believed to have been introduced hereby. Claims 1-2, 5, 7-9, 12, 14-16, 19, 21-23, 26 and 28 were previously pending and remain pending in this application.

35 USC §101 Rejection of the Claims

Claims 8-9, 12 and 14 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Applicants respectfully disagree. Paragraph 0020 of the Specification was previously amended and does not recite the objected language, while claims 8-9, 12 and 14 were previously amended and recite the “machine-readable **storage** medium”. Accordingly, Applicants respectfully request the withdrawal of the rejection of these claims.

35 USC §112 Rejection of the Claims

Claims 1, 5, 7-9, 12, 14, 22, 23, 26 and 28 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement; in particular, the recitation “wherein retrieving includes obtaining the information from a plurality of sources when the information is not located in the cell phone” of claims 1, 8 and 22.

Applicants respectfully disagree and request the Examiner’s attention to paragraph 0011. For example, paragraph 0011 recites “**[u]nlike a current cell phone call, however, where a caller’s name will also be displayed only if his name is already in Cell Phone 105’s local phone book, in one embodiment, Application 110 may also retrieve the caller’s name from a variety of other sources.** For example, if Entity A’s name is **not entered in Cell Phone 105’s local phone**

book, Application 110 may retrieve the information from a phone book or address book stored on PC 100. Alternatively, Application 110 may retrieve the information from a remote source coupled to PC 110.” Accordingly, Applicants respectfully request the withdrawal of the rejection of these claims.

35 USC §103 Rejection of the Claims

Claims 1, 5, 8, 9, 12, 22-23 and 26 stand rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over either Simpson, U.S. Patent Publication No. 2004/0266399 (“Simpson”) in view of Lin, et al., U.S. Patent No. 7,184,527 (“Lin”).

Applicants submit that the pending claims are allowable over the cited references and, in support, provide the following remarks.

Simpson discloses a "method for **providing selected status announcements from a wireless telephone user to a caller** comprising receiving an incoming call from a caller. The method further comprises that responsive to a determination that an automatic answering mode applies to the incoming call: receiving a pre-selected announcement action corresponding to the incoming telephone call and performing the pre-selected announcement action. If the pre-selected announcement action includes a hold announcement, then the incoming telephone call is answered by providing the caller with the hold announcement and placing the wireless telephone in mute mode until the user has taken the incoming telephone call (Abstract)

In *Simpson*, there is no teaching or reasonably suggestion of the limitations of claim 1. For example, as referred to by the Examiner, paragraph 0022 discloses “calling number, or Caller ID, if available, is displayed n the display are of a wireless telephone. The user is alerted to the call by methods known the art including a ring tone, a flashing light and vibration” (paragraph 0022; emphasis added).

In contrast, claim 1 recites in pertinent part “retrieving information associated with the incoming call from the cell phone, wherein retrieving includes *obtaining the information from a plurality of sources when the information is not located in the cell phone*, wherein the plurality of sources includes a local telephone list, a database stored on the data processing device, and a remote database coupled to the data processing device” (emphasis added). *Simpson* does not teach or reasonably suggest retrieving includes obtaining the information from a plurality of sources when the information is not located in the cell phone as recited by claim 1.

The Examiner acknowledges the deficiencies of *Simpson*, but relies on *Lin* for the alleged support. *Lin* discloses an automatic configurable PSTN call-handling (CPC) service being implemented according to the characteristics of the incoming call (col. 2, lines 55-58; see abstract). *Lin* relates to *moving the call-handling option from PSTN to a user’s computer*, but *Lin*, like *Simpson*, does not teach or reasonably suggest retrieving includes *obtaining the information from a plurality of sources when the information is not located in the cell phone* as recited by claim 1. Consequently, *Lin* does not teach or reasonably suggest the plurality of sources includes a local telephone list, a database stored on the data processing device, and a remote database coupled to the data processing device as recited by claim 1.

For example, *Lin* “allows a user to *monitor* incoming calls to *multiple phone lines* from any location that has Internet access” (col. 3, lines 15-23) and that is entirely *irrelevant* to claim 1’s *retrieving information relating to an incoming call from other sources when the information is not available on the cell phone in use*. These sources, for example, include local telephone lists, remote databases, such as a phone book or address book stored on a PC, a remote source coupled to a PC, etc. (see Specification, paragraph 0011). Merely being able to monitor phone calls from one of the multiple phone lines that are connected via the Internet, as disclosed

by *Lin*, is **not the same** as being able to retrieve that call-related information (e.g., caller ID) that was not stored on the cell phone (e.g., not entered in the cell phone address book) from other sources (that are not just limited to other telephone lines) as recited by claim 1.

For the foregoing reasons, the present independent claims and their dependent claims are allowable over the cited references.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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Date: October 19, 2009

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